

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AKAMAI TECHNOLOGIES, INC.,)	Civil Action No. 00-cv-11851-RWZ
and)	Judge Rya W. Zobel
MASSACHUSETTS INSTITUTE OF)	
TECHNOLOGY,)	
Plaintiffs,)	
vs.)	
DIGITAL ISLAND, INC.,)	
Defendant.)	
<hr/>		Civil Action No. 01-cv-11007-RWZ
DIGITAL ISLAND, INC.,)	
Plaintiff)	
vs.)	
AKAMAI TECHNOLOGIES, INC.,)	
Defendant.)	
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**DEFENDANT DIGITAL ISLAND'S ASSENTED TO MOTION TO JOIN KINETECH AS
A PARTY AND FOR AN EXPEDITED SUPPLEMENTAL DISCOVERY PERIOD**

Digital Island, Inc. ("Digital Island"), pursuant to Fed. R. Civ. P. 19, hereby moves that Kinetech, Inc. ("Kinetech") be joined as a party to the above captioned case. Kinetech, Inc. is a Delaware corporation having its principal place of business at 3140 Whisperwoods Court, Northbrook, Illinois. In particular, Digital Island moves that Kinetech be joined as a defendant to Akamai's declaratory judgment claims of invalidity and non-infringement of U.S. Patent No. 5,978,791 ("the '791 Patent") in Civil Action No. 00-CV-11851-RWZ, and as a plaintiff with Digital Island in Civil Action No. 00-CV-11007-RWZ. Digital Island also requests that the Court enter a supplemental discovery order directing the parties, including Kinetech, to expedite

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and complete all discovery relating to Kinetech within 15 (fifteen) days from the entry of an order on this motion. Akamai Technologies, Inc., the Massachusetts Institute of Technology, and Kinetech assent to this motion.

As grounds for this motion, Digital Island states that the parties to these proceedings are in agreement that Kinetech should be joined as a party, since Kinetech has an ownership interest in the '791 patent. Kinetech is both agreeable to being added and willing to be bound by any judgment entered by the Court in these proceedings. Kinetech is represented in this matter by Pillsbury Winthrop LLP and Goodwin Procter LLP. As further grounds for this motion, the parties state that they support the entry of an order for expedited supplemental discovery since most of the related discovery has already been completed and Kinetech is prepared to respond to any additional discovery requests on an expedited basis. Finally, the joinder of Kinetech is not expected to delay the current trial schedule.

Respectfully submitted,

Dated: October 4, 2001

By: 
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of
the above document was served upon the
attorney(s) of record for each other
party by mail/hand on 10/4/01

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